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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,352	11/21/2000	Anis Haq	0023-0016	8166
44987	7590	08/25/2004	EXAMINER	
HARRITY & SNYDER, LLP 11240 WAPLES MILL ROAD SUITE 300 FAIRFAX, VA 22030			JUNG, MIN	
		ART UNIT	PAPER NUMBER	
		2663	6	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/716,352	HAQ ET AL.	
	Examiner	Art Unit	
	Min Jung	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-9 and 17-23 is/are allowed.
- 6) Claim(s) 10 and 11 is/are rejected.
- 7) Claim(s) 12-16 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thamattoor, US Pat. No. 6,658,595 (Thamattoor, hereinafter).

Thamattoor discloses a method and system for asymmetrically maintaining system operability. Thamattoor teaches an active processing element A and redundant processing element B, as shown in Fig. 1. Thamattoor teaches that the processing elements may perform a variety of functions desired by system 10 and may include any suitable variety of communication hardware or software network elements to transfer a variety of voice, video, data, or other information. See col. 3, lines 3-7. Thamattoor specifically uses routers as an example of the implementation of the system 10. See col. 4, lines 1-4.

Regarding claim 10, Thamattoor teaches a router comprising a first routing engine (routing function within the processing element A), and a second routing engine (routing function within the processing element B), and the function of redundancy control to reset one of the first and second routing engines and to allow the other of the first and second routing engines to become an active

routing engine. See col. 3, lines 60-67, col. 4, lines 37-42, and col. 6, lines 3-7. In applying Thamattoor, the combination of processing element A (a first routing engine) and the processing element B (a second routing engine) is read as the recited router. What Thamattoor fails to specifically teach is the usage of the term "redundancy controller circuit". Thamattoor, however, teaches all the recited functions of claim 10. For example, the recited redundancy control function is taught at col. 3, lines 15-22, col. 4, lines 20-27, and col. 6, lines 1-23. In Thamattoor, the recited function is taught as an integral functions within and between the processing elements A and B. Router typically includes a plurality of functional blocks for performing necessary routing functions. Although Thamattoor did not provide the specific teaching of employing separate redundancy controller for performing the resetting function, such aspect is suggested by Thamattoor at col. 3, lines 3-7, which states that the processing elements may include any suitable variety of communication hardware or software network elements to carry out the necessary functions. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to implement the teaching of Thamattoor by designing the router according to its related functions by employing a physically separate redundancy controller circuit to carry out the functions already taught by Thamattoor.

Regarding claim 11, Thamattoor teaches that the reset one of the routing engines enters a standby mode of operation. Thamattoor teaches that the newly active router (processing element A) resets the failed router (processing element B), and the failed router (processing element B) get repaired or replaced. See

col. 6, lines 3-24. From this teaching, it is inherent that when the processing element B gets repaired or replaced, it will be available as a standby-processing element.

Allowable Subject Matter

3. Claims 1-9, and 17-23 are allowed.
4. Claims 12-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed June 1, 2004 have been fully considered but they are not persuasive. Regarding claims 10 and 11, Applicant argues that Thamattoor does not disclose or suggest a router including first and second routing engines, as recited in claim 10, much less the redundancy controller also recited in claim 10. In response, Applicants' attention is directed the above rejection, which adds further explanation to the relevant portion in the previous office action.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 703-305-4363. The examiner can normally be reached on Monday-Friday, 7AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
August 20, 2004



Min Jung
Primary Examiner